

SOUND INPATIENT PHYSICIANS, INC. AND  
ROBERT A. BESSLER, M.D.,  
  
Plaintiffs,  
  
v.  
  
T.M. CARR, M.D.,  
  
Defendant

## HEARING REQUESTED

In support of his motion, Dr. Carr submits a supporting memorandum of law, filed contemporaneously herewith. In further support of his 12(b)(1) motion to dismiss Plaintiff's First Cause of Action only, Dr. Carr contemporaneously files the Declarations of T.M. Carr, M.D and Mark A. Nebrig.

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circumstances surrounding the transaction underlying Plaintiffs' claims and are intimately familiar with the terms of the transaction documents. Counsel's knowledge would assist the Court in understanding key transaction provisions, thereby facilitating its ruling on the motion.

WHEREFORE, Dr. Carr respectfully requests that the Court dismiss Plaintiffs First and Second Causes of Action with prejudice and grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Emily C. Pera

Emily C. Pera (Tennessee Bar No. 023830)

Mark A. Nebrig (Admission *Pro Hac Vice* Pending)

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on March 12, 2019, the foregoing **DEFENDANT'S PARTIAL MOTION TO DISMISS PURSUANT TO RULE 12(B)** was filed electronically through the Court's CM/ECF system and a true and correct copy was served to all counsel of record by electronic mail as follows:

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This the 12th day of March, 2019.

/s/ Emily C. Pera  
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Emily C. Pera